

1 R. ALi

2 Q. You personally bring it to him?

3 A. Yes.

4 Q. Did Dr. Merola ever discuss with you
5 the results of any of those MRIs?

6 A. I don't remember.

7 Q. Did Dr. Merola ever recommend surgery
8 to you?

9 A. No.

10 Q. What part of your body?

11 A. I don't remember.

12 Q. Was it either your neck or your back
13 or both?

14 A. I think probably my back.

15 Q. What did you do in response to that
16 recommendation?

17 A. He sent me for a pain specialist.

18 Q. He sent you to a pain specialist?

19 A. Yeah.

20 Q. When he suggested back surgery to you,
21 did you say yes, you would have it, or
22 something else?

23 A. No. I said I want to try another
24 option first.

25 Q. He gave you other options?

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2 A. Yes.

3 Q. More conservative treatment?

4 A. Yes.

5 Q. One of them was to go for additional
6 therapy of some sort?

7 A. To get a needle, an injection.

8 Q. Sir, did you ever have acupuncture in
9 connection with this accident? Do you know
10 what acupuncture is?

11 A. I don't remember, no.

12 MR. MAYER: Where they stick
13 lots of little needles in your body.

14 Q. Did you ever have anything like that
15 in connection with this, a whole bunch of
16 needles in your body at the same time?

17 A. No.

18 Q. At some point, did Dr. Merola ever
19 actually give you injections?

20 A. No, not Dr. Merola.

21 Q. He sent you someplace to have
22 injections?

23 A. Yes.

24 Q. What is the name of that place?

25 A. I don't remember the name of the

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2 doctor or the office. It's here in
3 Manhattan.

4 Q. Another Manhattan office?

5 A. Yes.

6 Q. Did you go there for injections on one
7 occasion or more than one occasion?

8 A. More than one -- I went there for one.

9 Q. Just one occasion?

10 A. What do you mean by --

11 MR. MAYER: You've gone once so
12 far, for one injection?

13 THE WITNESS: Yes

14 MR. MAYER: He will ask you
15 about future visits.

16 Q. When did that visit take place for the
17 injection?

18 A. Last week.

19 Q. That's January of 2008?

20 A. Yes.

21 Q. Were you given one injection or more
22 than one injection at that time?

23 A. One.

24 Q. To what part of your body?

25 A. Lower back.

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2 Q. Were you given this injection to the
3 lower part of your back for lower back pain?

4 A. Yes.

5 Q. What affect, if any, did you feel
6 after having the injection?

7 A. Just a light relief.

8 Q. Was this relief that came immediately,
9 did it take a while or something else?

10 A. It took a while.

11 Q. How long would you say it took?

12 A. A couple days.

13 Q. Does it pretty much feel the same now?

14 A. No, it's turning back like before.

15 Q. So, you feel now as if you didn't even
16 have this injection?

17 A. Yeah.

18 Q. Did you let Dr. Merola know this?

19 A. Not yet.

20 Q. Have you been scheduled to see him
21 again?

22 A. Dr. Merola?

23 Q. Yes, I'm sorry. The doctor who gave
24 you the injection, are you scheduled to see
25 him for any more injections?

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2 A. Yes.

3 Q. Did he tell you that there would be a
4 series of injections?

5 A. Yes.

6 Q. How many are you supposed to be
7 getting in this series?

8 A. Three.

9 Q. That is all together three injections
10 over what period of time?

11 A. I think every two weeks.

12 Q. So, you had the first of your three
13 treatments; is that correct?

14 A. Yes.

15 MR. MORRIS: Off the record.

16 (Discussion held off the
17 record.)

18 MR. MORRIS: I ask that a space
19 be left in the transcript for the name
20 of this doctor who gave Mr. Ali this
21 injection to his lower back at the end
22 of January 2008. I also ask that
23 space be left for the address of this
24 doctor. Obviously, I will request an
25 authorization for this doctor's

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2 records from plaintiff's counsel.

3 REQUEST NOTED:

4 MR. MAYER: Any requests, we
5 just ask that you follow-up in
6 writing.

7 MR. MORRIS: Sure.

8 Q. Sir, when is the next date that you're
9 scheduled for these injections?

10 A. This week coming up.

11 Q. You mean next week?

12 A. Yes, next week.

13 Q. Any other medical examination,
14 treatment or care that you have had since the
15 Castle Hill Rehab, besides Dr. Merola and
16 this doctor who gave you the injection?

17 A. No.

18 Q. Sir, have you paid, out of your own
19 pocket, money for any of your medical
20 examinations, treatment or care in connection
21 with this accident?

22 A. I don't remember.

23 Q. I just ask that if there is some out
24 of pocket expenses, that you provide that
25 information to your attorney and then your

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2 attorney will provide it to us.

3 REQUEST NOTED:

4 Q. To your knowledge, have any of your
5 medical bills been paid for through your
6 employment health care insurance?

7 A. I don't remember.

8 Q. Who is your employer's health care
9 provider?

10 A. 32BJ.

11 Q. That is your union. Do you know who
12 they have health insurance with?

13 A. No.

14 MR. MORRIS: Off the record.

15 (Discussion held off the
16 record.)

17 Q. Sir, do you remember having an
18 automobile accident on December 5, 2001, and
19 there is an insurance company involved by the
20 name of American Transit?

21 A. Yes.

22 Q. Was that one of the two accidents that
23 you mentioned before, is that the one with
24 the cab?

25 A. Yes.

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2 Q. Do you remember being involved in an
3 accident on March 5, 2002, and there is an
4 insurance company by the name of Infinity
5 Insurance Company. Does that sound like
6 another accident you were involved in?

7 A. Yeah. I think it was no collision.

8 It was just a touch to my car on the side.

9 Q. Did you get any pain or discomfort
10 from that accident?

11 A. No.

12 Q. Did you get any medical examination,
13 treatment or care from that accident?

14 A. No.

15 Q. What about an accident of June 21,
16 2003? Apparently, it was Atlantic Casualty
17 Insurance Company. Do you remember the
18 accident of that date, June 2003?

19 A. Yes.

20 Q. Were you injured in that accident?

21 A. No.

22 Q. Did you receive any medical
23 examination, treatment or care in connection
24 with that accident?

25 A. No.

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2 Q. Sir, in connection with the October
3 28, 2006 accident, you had an emergency room
4 visit to New York Presbyterian Hospital, you
5 had treatment at that Castle Hill facility,
6 they sent you for MRIs. You also had visits
7 to Dr. Merola and this injection to your back
8 by this doctor and you are going to have two
9 more visits with this doctor.

10 Is there any other medical
11 examination, treatment or care that you have
12 received since October 28, 2006, in
13 connection with the injuries you claim from
14 this accident?

15 A. No.

16 Q. Sir, at the present time, do you still
17 have pain in your neck?

18 A. Presently, right now, yes.

19 Q. How frequently do you get pain in your
20 neck?

21 A. Constant.

22 Q. When was the last time you have taken
23 any prescription medication for pain?

24 A. About a week ago.

25 Q. What medicine was that, sir?

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2 A. I take Motrin.

3 Q. Is that Motrin over the counter
4 strength or the type that you need a
5 prescription?

6 A. Over the counter.

7 Q. When you get the over the counter
8 medication, where do you get them?

9 A. Any regular pharmacy.

10 Q. Putting aside those ones that you
11 don't need a prescription for, what about
12 pain medicine that you need a prescription
13 for, when is the last time you have taken any
14 of that in connection with this accident?

15 A. I don't remember.

16 Q. You mentioned that first prescription
17 you were given at the hospital and you used
18 it for some time less than a month. Have you
19 taken any prescription medicine for pain in
20 connection with this accident since that
21 first month after the accident?

22 A. Yes.

23 Q. What doctor gave you that
24 prescription?

25 A. The doctor from Castle Hill

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2 Rehabilitation, yes.

3 Q. Do you remember the name of the
4 medicine?

5 A. No.

6 Q. Did you get it filled at a local
7 pharmacy?

8 A. Yes.

9 Q. What pharmacy, was it one of the
10 chains?

11 A. The one in the Bronx. I don't
12 remember.

13 Q. Was it like a chain like Rite-Aid,
14 Genovese or something different?

15 A. Not a pharmacy -- it was a different
16 pharmacy.

17 MR. MORRIS: I just ask that a
18 space be left in the transcript.

19 REQUEST NOTED:

20 Q. Would you have any records that would
21 indicate the name of the pharmacy or the
22 address?

23 A. I can check.

24 Q. For how long did you take prescription
25 medication at the recommendation of the

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2 doctor at Castle Hill?

3 A. As the doctor recommended.

4 Q. For how long a period of time were you
5 taking this medicine per his recommendation
6 or her recommendation, that is your best
7 approximation?

8 A. He gave it as all the time I was
9 there. I was using it, yes.

10 Q. Did you switch any medicine that you
11 were taking because of any adverse reactions
12 or anything like that, that you had? Did you
13 switch any medicine because you were having a
14 problem with certain medicines?

15 A. No.

16 Q. Besides the accidents that you've
17 mentioned, did you ever experience neck or
18 back pain before the first of those
19 accidents?

20 A. Read back the question.

21 (Whereupon the record was read
22 back by the reporter.)

23 Q. I'll try another question. Sir, you
24 mentioned a series of automobile accidents
25 and you mentioned one in the 1990s, which was

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2 the first one where you hurt your neck and
3 your back, correct?

4 A. Yes.

5 Q. Before that time, did you have neck or
6 back pain for reasons unrelated to any
7 accident, like for some general condition?

8 A. No.

9 Q. Does your job require you to do any
10 lifting? You mentioned, if you want, you
11 could assist tenants with their packages.
12 Besides those, were you involved in any
13 lifting?

14 A. No, it's an option.

15 Q. Sir, have you ever worn a back brace?

16 A. Yes.

17 Q. Are you wearing one at the present
18 time?

19 A. No.

20 Q. When did you wear a back brace?

21 A. A couple months ago.

22 Q. Was the first time you ever wore a
23 back brace after this accident of October 28,
24 2006?

25 A. I don't remember.

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2 Q. Did you wear a back brace after any of
3 your other accidents?

4 A. I don't remember.

5 Q. What about a neck brace, did you ever
6 wear a neck brace or a neck collar?

7 A. Yes.

8 Q. Was it in connection with this
9 accident?

10 A. Yes.

11 Q. For how long did you wear a neck
12 brace?

13 A. A couple months. I could take it out.
14 It was just --

15 Q. A soft collar, some kind of collar for
16 your neck?

17 A. Yes.

18 Q. Who gave that to you?

19 A. Castle Hill Rehab.

20 Q. Sir, before this accident, were you a
21 member of any gym or health club?

22 A. No.

23 Q. Did you injure any other parts of your
24 body in the accident of October 28, 2006,
25 besides your neck and back?

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2 A. No.

3 Q. At the present time, is there anything
4 that you can't do because of the accident of
5 October 28, 2006, that you could do and did
6 do before that accident?

7 A. I can't be able to play basketball now
8 and to run.

9 Q. Anything else?

10 A. And my sexual life.

11 Q. That's been affected by this?

12 A. Yes.

13 Q. How frequently did you play basketball
14 before this?

15 A. On a weekend basis.

16 Q. Outside?

17 A. Yes.

18 Q. If the weather is permitting?

19 A. Yes.

20 Q. What about running?

21 A. Once a week.

22 Q. Would that be street running or a
23 treadmill or something else?

24 A. Street running.

25 Q. Do you have any exercise equipment at

1 R. Ali

2 home?

3 A. No.

4 Q. Has your weight changed since this
5 accident?

6 A. I don't remember.

7 Q. Has this accident changed the
8 frequency of your sexual relationship with
9 your wife?

10 A. Yes.

11 MR. MAYER: How so?

12 A. Like, I used to do it like four, five
13 times a week.

14 Q. Before this?

15 A. Yes, before the accident.

16 Q. Now, since the accident?

17 A. Like, one or two times in two months.

18 Q. Have you sought any counselling or
19 received any counselling in connection with
20 that problem?

21 A. No.

22 Q. Sir, before this accident, did you
23 perform any household chores?

24 A. Yes, vacuuming.

25 Q. Sir, do you and your wife own or rent

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2 at 1255 Ward Avenue?

3 A. Rent.

4 Q. Does your wife work outside the home?

5 A. She doesn't work.

6 Q. She takes cares of the children?

7 A. Yes.

8 Q. Has anyone recommended at any type of
9 surgery for your neck?

10 A. No.

11 Q. Besides Dr. Merola referring you to
12 the doctor who is giving you the lower back
13 injections, did Dr. Merola recommend any
14 other course of treatment?

15 A. I don't remember.

16 Q. At the present time, do you have any
17 appointments to see Dr. Merola in the future?

18 A. Yes.

19 Q. You actually have a date scheduled to
20 see him?

21 A. I don't remember. I have to check.

22 Q. Sir, as a result of the accident of
23 October 28, 2006, were you confined to your
24 bed after that accident?

25 A. I don't understand that.

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2 Q. Well, as a result of the accident of
3 October 28, 2006, were you confined to your
4 bed where you couldn't go out because of your
5 injuries, aside from going to the bathroom or
6 going to a doctor?

7 A. Well, at the very beginning of the
8 accident, yes.

9 Q. For how long were you confined to your
10 bed after this accident because of the
11 accident, approximately?

12 A. It's been going on like two, three
13 weeks. A lot of pain, I take my time to get
14 up.

15 Q. Was there a period of time where you
16 weren't confined to your bed, but you were
17 still confined to your home after this
18 accident?

19 A. I don't understand you.

20 (Whereupon the record was read
21 back by the reporter.)

22 Q. As a result of the accident?

23 A. Yes.

24 Q. How long was that about?

25 A. For a while.

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2 Q. Best approximation?

3 A. A couple months.

4 Q. When you say a couple months, how many
5 is that, sir?

6 A. I don't know. It's still inconvenient
7 for me to do what I have to do in the house.

8 Q. I'm not talking about as far as
9 inconvenience.

10 A. You know, sitting or move around.

11 Q. I understand, but maybe I'm not making
12 this clear. Was there a period of time after
13 this accident that you couldn't leave your
14 home because of your injuries?

15 A. No.

16 Q. Sir, where in your neck do you feel
17 the pain?

18 A. The back.

19 Q. Indicating the back of the neck?

20 A. Yes.

21 Q. When you're talking about your back,
22 what part of your back are you talking about?

23 A. Lower, down the back.

24 Q. Do you get pains in either of your
25 legs anymore?

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2 A. Yes.

3 Q. How frequently do you get pain in your
4 legs?

5 A. I still get it slightly on the left.

6 I still, you know, try to bear it.

7 Q. How frequently do you get pain in your
8 left leg?

9 A. Just the pain, you know, almost.

10 MR. MAYER: Almost what?

11 A. Almost everyday.

12 Q. Sir, do you have a personal exercise
13 routine?

14 A. No.

15 Q. Who does the cooking for your family?

16 A. My wife.

17 Q. The general house cleaning?

18 A. We both try to split it up.

19 Q. Was there a period of time after this
20 accident that you did not drive an
21 automobile?

22 A. No.

23 Q. Was there a period of time that you
24 couldn't use your car because of having to
25 get it repaired?

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2 A. I don't understand.

3 Q. At some point after the accident you
4 got your car repaired, they repaired the back
5 of it?

6 A. Yes.

7 Q. How long was the car out of service?

8 A. A week.

9 Q. Aside from that period of time, did
10 you go back to driving your car right after
11 the accident or was there a period of time
12 you didn't go back to driving the car because
13 of your injuries?

14 A. I was driving less.

15 Q. How long after the accident was your
16 car repaired?

17 A. I don't remember.

18 Q. Does your wife drive, sir?

19 A. No.

20 Q. Does anyone else live with you besides
21 your wife and three children?

22 A. No.

23 Q. Besides what you've mentioned about
24 the recommendation of your lower back
25 surgery, has any doctor recommended any other

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2 type of surgery to you in connection with the
3 injuries from the October 28, 2006 accident?

4 A. What do you mean by any doctor?

5 MR. MORRIS: Off the record.

6 (Discussion held off the
7 record.)

8 Q. Sir, you mentioned a Dr. Merola
9 recommended back surgery for you, but you
10 wanted a more conservative approach. Did any
11 of your doctors, including Dr. Merola, ever
12 recommend any other surgery?

13 A. No.

14 Q. Sir, did you ever prepare an accident
15 report with the New York State Department of
16 Motor Vehicles in connection with this
17 accident?

18 A. What kind of report?

19 Q. An accident report with the New York
20 State DMV or Department of Motor Vehicles?

21 A. An accident report?

22 Q. Yes, did you prepare one?

23 A. Yes.

24 Q. How long after the accident did you
25 prepare it?

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2 A. A couple days after.

3 Q. Did you prepare that by yourself?

4 A. No. When the police take a statement,
5 I went to the precinct and picked up the
6 police report.

7 Q. That is the police report that they
8 filled out. Do you remember making out any
9 report for the Department of Motor Vehicles?
10 It looks very similar.

11 A. No.

12 Q. Did you ever have any conversations
13 with the driver of the Jeep that was involved
14 in this accident, after you left the scene of
15 the accident?

16 A. No.

17 Q. Did you ever try to contact the
18 driver?

19 A. No.

20 Q. Do you know if he ever tried to
21 contact you?

22 A. No.

23 Q. Did you ever see him again after you
24 left the accident scene?

25 A. No.